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Attorney Docket No. MP/147

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**BEFORE THE BOARD  
OF PATENT APPEALS  
AND INTERFERENCES**

Applicant : Laguna et al.  
Appl. No. : 09/384,900  
Filed : August 27, 1999  
Title : An Improved Balloon Catheter and  
Method of Mounting Same

Group Art Unit : 3763  
Examiner : Nguyen, Anh Tuan Tuong

MS Appeal Brief - Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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being deposited with the United States Postal  
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addressed to: MS Appeal Brief - Patents,  
Commissioner for Patents, P.O. Box 1450,  
Alexandria, VA 22313-1450, on June 26,  
2006.*

*Melanee Williams*  
Melanee Williams

**LETTER OF TRANSMITTAL**

Dear Sir:

Applicants enclose the following papers for filing in the U. S. Patent and Trademark Office  
in connection with the above-identified Patent Application:

Reply Brief under 37 CFR 1.193(b) (2 pages).

**The Commissioner is hereby authorized and requested to charge all fees due under  
section 1.17 during the pendency of this application to our Deposit Account No. 07-1729.**

Respectfully submitted,

David J. Johns  
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551 Paper Mill Road  
P.O. Box 9206  
Newark, DE 19714-9206  
(928) 864-4800

Date: 6/26/06



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*Melanee Williams*  
Melanee Williams

**BRIEF IN REPLY TO SUPPLEMENTAL EXAMINER'S ANSWER OF MAY 19, 2006**

Sir:

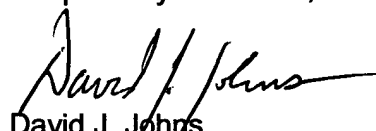
This reply brief is filed in response to the Supplemental Examiner's Answer mailed May 19, 2006, supporting his final rejecting of claims 24-42 in the present application.

In his Answer the Examiner again re-asserts that the pending claims of the present application are actually presented in product-by-process form and therefore critical limitations in the claims can be ignored since they define structure that exists prior to the final construction of a balloon catheter device. As has been fully explained in applicants' previous briefs, this interpretation of the claims is not justified. The pending claims do not define a product-by-process and this misinterpretation of the claims should be rejected. The Examiner has not presented any new information to overcome the reasons for reversal that have been fully addressed in Applicants' Appeal Brief filed September 10, 2004, and Reply Brief filed April 11, 2005.

SN 09/384,900

Claim 24 of the present application is not anticipated under 35 U.S.C. §102(b) by any of the references of record. Reversal of the Examiner's rejection is respectfully requested.

Respectfully submitted,



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